

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

SYLVESTER O. BARBEE

PLAINTIFF

v.

Case No. 6:15-cv-6106

SGT. STUCKEY

DEFENDANT

**ORDER**

Before the Court is a Report and Recommendation filed June 22, 2017, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. ECF No. 26. Judge Bryant recommends that Plaintiff's Complaint be dismissed without prejudice for failure to prosecute this case pursuant to Federal Rule of Civil Procedure 41(b), Local Rule 5.5(c)(2), and the Court's Order to Show Cause. ECF No. 23. No party has filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Upon review, the Court adopts the Report and Recommendation *in toto*. Accordingly, Plaintiff's case is **DISMISSED WITHOUT PREJUDICE**.<sup>1</sup>

**IT IS SO ORDERED**, this 12th day of July, 2017.

/s/ Susan O. Hickey  
Susan O. Hickey  
United States District Judge

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<sup>1</sup> On January 11, 2017, Defendant filed a Motion to Dismiss for Lack of Prosecution. ECF No. 24. As a result of the Court's Order, the Court finds that Defendant's motion should be and hereby is **DENIED AS MOOT**.